

INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
THE TOWN OF CAMP VERDE

THIS AGREEMENT is entered into 19 June, 2001, pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the TOWN OF CAMP VERDE, acting by and through its MAYOR and TOWN COUNCIL (the "Town").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-401 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The Town is empowered by Arizona Revised Statutes Section 48-572 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the Town.

3. Incident to an improvement project on SR-260 contemplated by the State, the Town has requested the State to construct collector roads adjacent to SR-260, shown on Exhibit A, which is attached hereto and made a part hereof, at no cost to the Town (contingent upon the Town acquiring the additional required right-of-way), hereinafter referred to as the Project.

THEREFORE, in consideration of the mutual covenants expressed herein, it is agreed as follows:

NO 24703
Filed with the Secretary of State
Date Filed 06/19/01
Richard G. Gyles
Secretary of State
Vicky D. Graenewald

II. SCOPE OF WORK

1. The Town will:

a. Acquire in the name of the State, any additional right-of-way required for the Collector Road Improvements, via donation, purchase or condemnation.

b. Construct drainage improvements at the Verde Ditch/7th Street including but not limited to sub-grade, piping, retaining walls, and temporary pavement widening reconstruction.

c. Upon completion of the Project (Collector Road Improvements), upon completion of the State's Improvements to its SR 260 project and upon formal resolution approval by the State Transportation Board, accept ownership jurisdiction and maintenance responsibilities for the following: the Collector Road, (as shown on Exhibit "A"); the existing SR-260 roadway from MP 219.44 to MP 221.12 and new roadway connections of existing SR 260 to the new alignment of SR 260, MP 219.22 to MP 219.44 and MP 221.12 to MP 221.20 (as shown on Exhibit B, attached hereto and made a part hereof); and the frontage road and reconstructed area of side road intersecting SR 260 (as shown on Exhibit C, attached hereto and made a part hereof).

d. Waive the requirements of Arizona Revised Statute 28-7209 (formerly 28-106).

2. The State will:

a. Provide at no cost to the Town, the title reports, legal descriptions, warranty deeds and any other related documents required for the additional right-of-way to be acquired.

b. Provide drawings to the Town for the drainage improvements at the Verde Ditch/7th Street.

c. By formal resolution of the State Transportation Board, establish the Collector Road as part of the State Highway System for construction purposes.

d. Provide to State standards design plans, specifications and such other documents and services as may be required for construction bidding and construction. Incorporate or resolve Town review comments.

e. Call for bids and award one or more construction contracts for the Project. Administer same and make all payments to the contractor(s). Be responsible for all costs associated with the Project, except for the new right-of-way acquired by the Town on behalf of the State, and for any contractor claims for extra compensation due to delays or whatever reason.

f. Mill, overlay, and/or repave existing SR-260, from MP 219.44 to MP 221.12, also known as Finnie Flat Road/Main Street.

g. Upon completion of the Project (Collector Road Improvements), upon completion of the State's Improvements to its SR 260 project and upon formal resolution approval by the State Transportation Board, abandon ownership jurisdiction and maintenance responsibilities for the following: the Collector Road, (as shown on Exhibit "A"); the existing SR-260 roadway from MP 219.44 to MP 221.12 and new roadway connections of existing SR 260 to the new alignment of SR 260, MP 219.22 to MP 219.44 and MP 221.12 to MP 221.20 (as shown on Exhibit B, attached hereto and made a part hereof); and the frontage road and reconstructed area of side road intersecting SR 260 (as shown on Exhibit C, attached hereto and made a part hereof).

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said project and abandonment; provided, however, that this agreement may be cancelled at any time prior to the commencement of performance of any of the provisions of this agreement, upon thirty (30) days written notice to the other party.

2. This agreement shall become effective upon filing with the Secretary of State.
3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.
4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.
5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518.
6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Joint Project Administration
205 South 17 Avenue, Mail Drop 616E
Phoenix, AZ 85007

Town of Camp Verde
Town Manager
Box 710
Camp Verde, AZ 86322

7. Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

TOWN OF CAMP VERDE

STATE OF ARIZONA

Department of Transportation

By Barbara Miller
BARBARA MILLER
Mayor Brenda Hauser

By William J. Higgins
WILLIAM J. HIGGINS
Deputy State Engineer

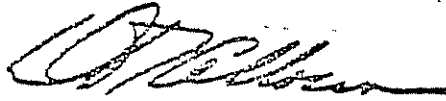
ATTEST

By Deborah Barber
DEBORAH BARBER
Town Clerk

RESOLUTION

BE IT RESOLVED on this 24th day of September 2000, that I, the undersigned MARY E. PETERS, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Intermodal Transportation Division, to enter into an agreement with the Town of Camp Verde for the purpose of defining responsibilities for the acquisition of right-of-way, designing and constructing improvements to SR-260, and the subsequent abandonment of portions of SR-260 to the Town.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted to the Deputy State Engineer for approval and execution.



DAVID R. ALLOCCO, P.E.
Assistant State Engineer
Engineering Technical Group
for Mary E. Peters, Director

RESOLUTION 2000-462

**A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE
TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA,
APPROVING A LETTER OF INTENT BETWEEN THE TOWN OF
CAMP VERDE, AND ARIZONA DEPARTMENT OF
TRANSPORTATION (ADOT), FOR IMPROVEMENTS TO THE SR260
TURNBACK AND INDUSTRIAL DRIVE CONNECTOR ROADS AREA**

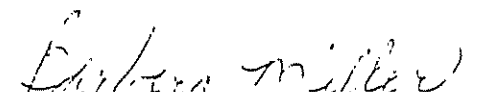
WHEREAS, two or more public agencies, as defined by ARS 11-951, including a municipality or a State agency, may pursuant to ARS 11-952 (1997), through a written and recorded agreement, contract for services, jointly exercise any powers common to the contracting parties, or provide for joint or cooperative actions, and

WHEREAS, the Town Council has reviewed the proposed letter of intent between the above parties for the development, improvement, and access design of SR260 and Industrial Drive, and determined that the protection of the health, safety and welfare of the citizens of Camp Verde is furthered by its approval, and

WHEREAS, the terms of the letter of intent will be reduced to a more formal intergovernmental agreement between the parties by December 31, 2000, including acquisition of highway and collector road rights of way by agreement with adjoining private landowners,

***NOW THEREFORE THE MAYOR AND COMMON COUNCIL OF THE
TOWN OF CAMP VERDE RESOLVE, PURSUANT TO ARS 11-952.H,
TO EXECUTE THE LETTER OF INTENT FOR SR260 TURNBACK
AND INDUSTRIAL DRIVE CONNECTOR ROAD AREA, AND
EXECUTE ANY SUBSEQUENT FORMAL INTERGOVERNMENTAL
AGREEMENT CONSISTENT WITH THESE TERMS.***

PASSED AND APPROVED by a majority vote of the Common Council at the regular meeting of December 13th, 2000:

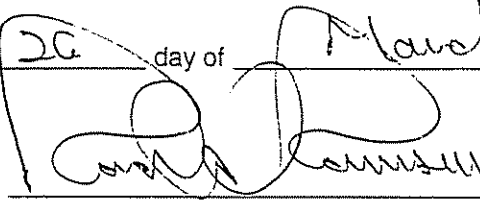

Barbara Miller, Mayor

JPA 00-173


APPROVAL OF THE TOWN OF CAMP VERDE ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, INTERMODAL TRANSPORTATION DIVISION, and the TOWN OF CAMP VERDE and declare this agreement to be in proper form and within the powers and authority granted to the City under the laws of the State of Arizona. No opinion is expressed as to the authority of the State to enter into this agreement.

DATED this 26 day of March, 2001.



City Attorney



Druids Lane
Abraham Barber, Town Clerk

5-30-01

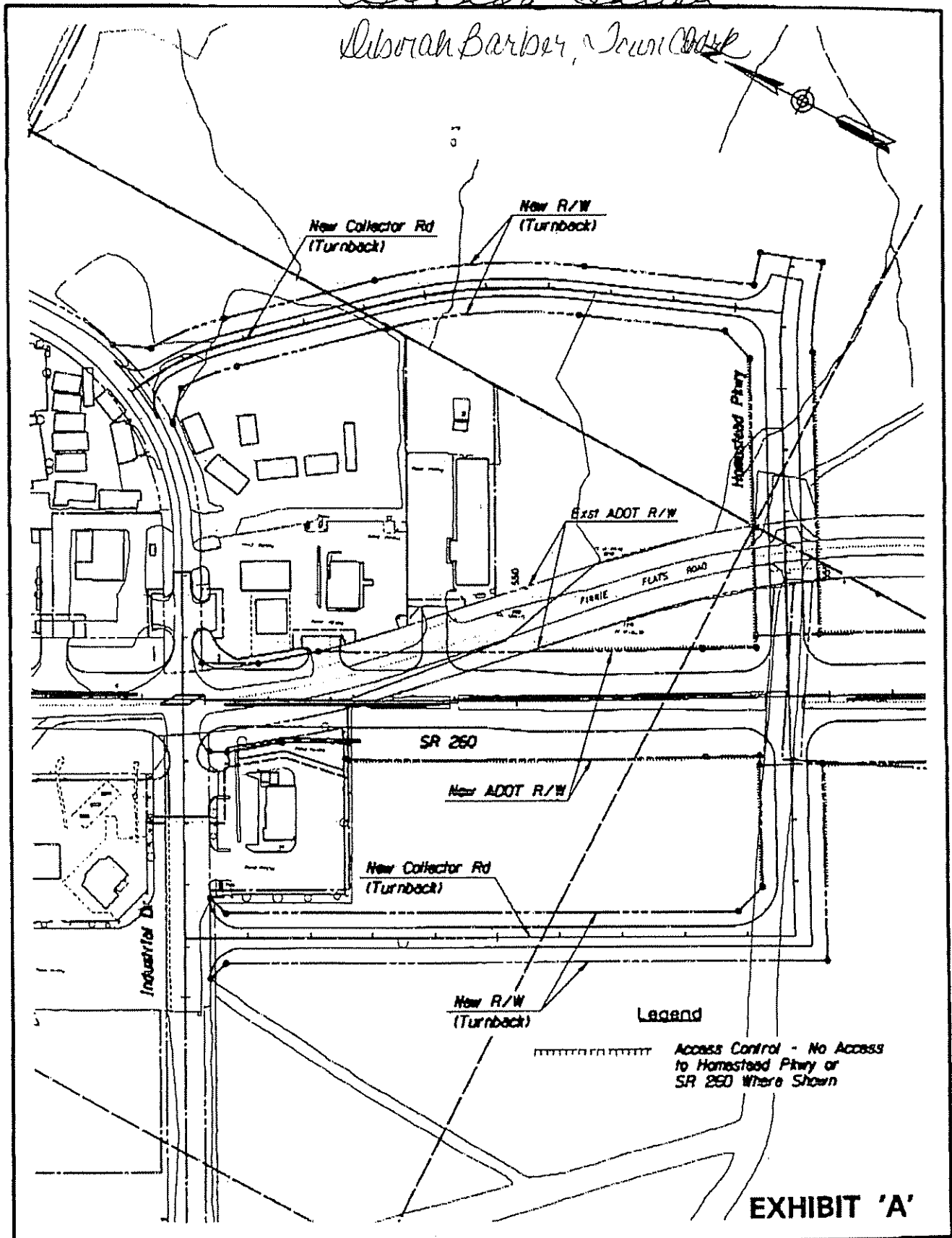


EXHIBIT 'A'

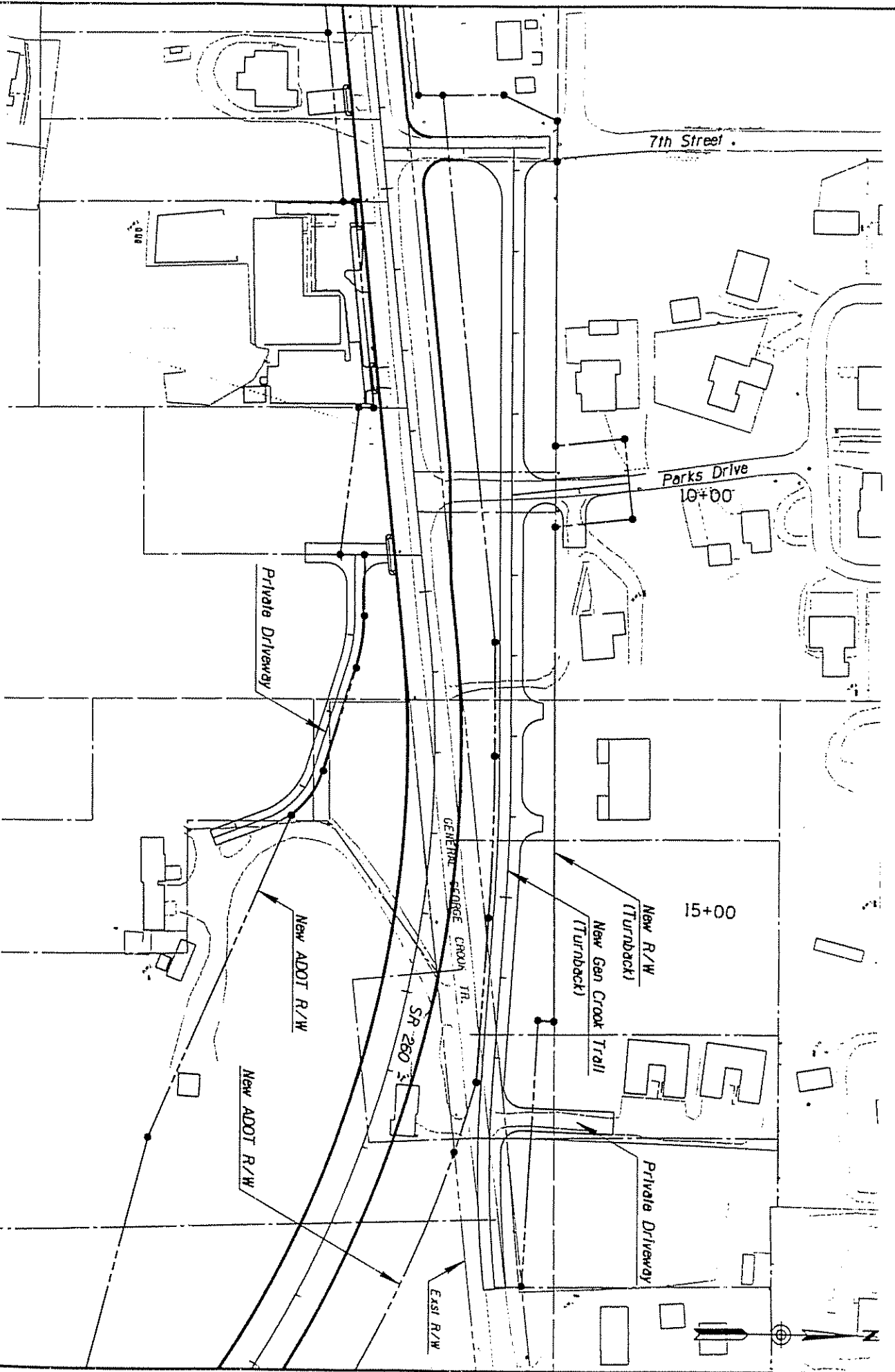


EXHIBIT 'C'



STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

1275 WEST WASHINGTON. PHOENIX, AZ. 85007-2926

JANET NAPOLITANO
ATTORNEY GENERAL

TRN Main: (602) 542-1680

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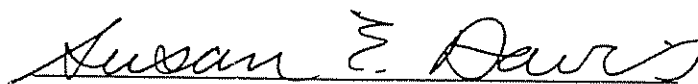
INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A.G. Contract No. KR00-2046TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED June 13, 2001.

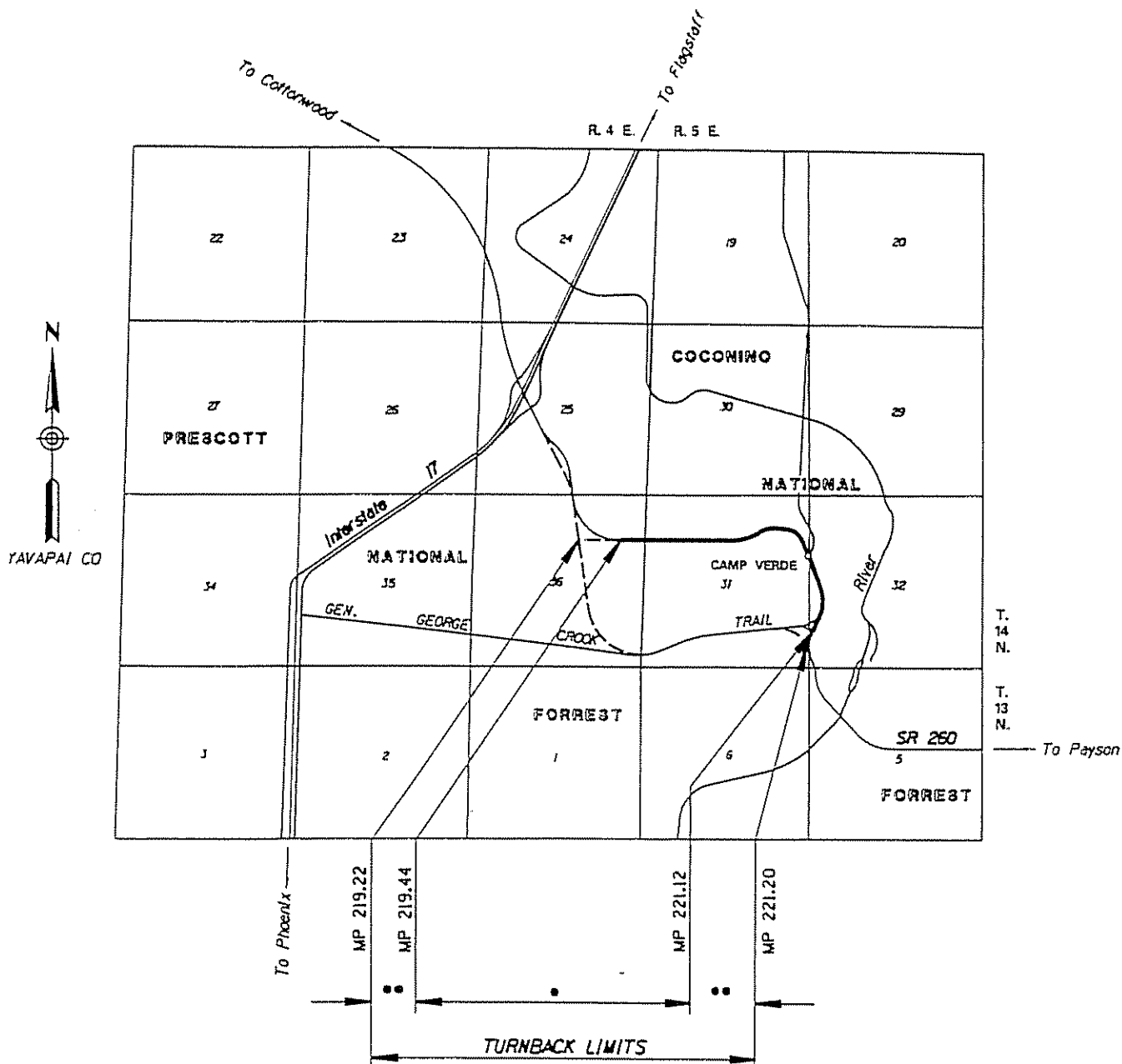
JANET NAPOLITANO
Attorney General


SUSAN E. DAVIS
Assistant Attorney General
Transportation Section

SED:ggt

Enc.

688263



- Milepost Limits Indicated are along existing SR 260. Limits for Mill, Overlay and/or Repaving.
- Milepost Limits Indicate New Roadway Connecting Existing SR 260 to the New SR 260 Alignment.

EXHIBIT 'B'